

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

LP MATTHEWS, L.L.C.,)	
)	
Plaintiff,)	
)	C.A. No. 04-1507-SLR
v.)	
)	
BATH & BODY WORKS, INC.; LIMITED)	
BRANDS, INC.; KAO BRANDS CO.)	
(f/k/a THE ANDREW JERGENS)	
COMPANY); and KAO CORPORATION,)	
)	
Defendants.)	

JOINT CLAIM CONSTRUCTION STATEMENT

Nature And Stage Of Proceedings

On December 8, 2004, plaintiff LP Matthews filed a Complaint for patent infringement against the defendants. (D.I. 1). LP Matthews amended its Complaint on February 2, 2005. (D.I. 5, 8). This Court entered a Scheduling Order on June 9, 2005. (D.I. 39). Discovery is closed. (*See* D.I. 39). As required by Paragraph 5 of the Court's Scheduling Order (D.I. 39), Plaintiff LP Matthews, L.L.C., defendants Bath & Body Works, Inc. and Limited Brands, Inc. ("the Limited defendants"), and defendants Kao Brands Co. and Kao Corporation ("the Kao defendants") submit this Joint Claim Construction Statement.

Asserted Claims

LP Matthews asserts that the defendants infringe claims 6 and 9 of its United States Patent No. 5,063,062 ("the '062 patent") which read:

6. A skin cleaning composition for external use on human tissues, comprising orange oil, a pharmaceutical acceptable moisturizer for human skin and an oat grain derivative product as an emulsifying agent, wherein said composition has a pH within a range of 4.5 to 6.0, inclusively.

9. A cleaning composition for use on human skin comprising forty-five percent (45%) or less by volume of orange oil, forty-five percent (45%) or less by volume of oatmeal and a pharmaceutically acceptable moisturizer.

The parties agree that the preambles of claims 6 and 9 are limiting. The parties' list of claim terms and corresponding proposed claim construction are attached.

Of Counsel:

Ronald J Schutz
Robert A. Auchter
Jason R. Buratti
Robins, Kaplan, Miller & Ciresi L.L.P.
1801 K Street, Suite 1200
Washington, D.C. 20006
Tel: (202) 736-2717
Fax: (202) 223-8604

By:

/s/ Lauren E. Maguire

Steven J. Balick (I.D. # 2114)
John G. Day (I.D. # 2403)
Lauren E. Maguire (I.D. #4261)
222 Delaware Avenue, 17th Floor
P.O. Box 1150
Wilmington, DE 19899
Tel: (302) 654-1888
Fax: (302) 654-2067
Sbalick@ashby-geddes.com
Jday@ashby-geddes.com
Lmaguire@ashby-geddes.com

Attorneys for Plaintiff LP Matthews, Inc.

Of Counsel:

Arthur I. Neustadt
Richard L. Chinn
Oblon, Spivak, McClelland, Maier &
Neustadt, P.C.
1755 Jefferson Davis Highway
Arlington, VA 22202
Tel: (703) 413-3000
Fax: (703) 413-2220

By:

/s/ David E. Moore

Richard L. Horwitz (I.D. # 2246)
David E. Moore (I.D. # 3983)
Potter Anderson & Corroon LLP
1313 N. Market Street
Wilmington, DE 19899-0951
Tel: (302) 984-6000
Fax (302) 658-1192
Rhorwitz@potteranderson.com
Dmoore@potteranderson.com

Attorneys for Defendants Kao Corporation and Kao Brands Company

Of Counsel:

John F. Ward
David M. Hill
Michael Zinna
Ward & Olivo
708 Third Avenue
New York, NY 10017
Tel: (212) 697-6262
Fax: (212) 972-5866

By:

/s/ Francis G.X. Pileggi

Francis G.X. Pileggi (I.D. # 2624)
Sheldon K. Rennie (I.D. # 3772)
Fox Rothschild L.L.P.
919 North Market Street, Suite 1300
Wilmington, DE 19801
Tel: (302) 654-7444
Fax: (302) 654-8920
Fpileggi@foxrothschild.com
Srennie@foxrothschild.com

Attorneys for defendants Bath & Body Works, Inc. and Limited Brands, Inc.

Dated: June 15, 2006

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